

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN THE MATTER OF
THE SEARCH OF UDF
1301 MUNICIPAL WAY
GRAPEVINE, TEXAS 76051

Case No. 3:21-mc-284-B

**UNITED DEVELOPMENT FUNDING’S OBJECTION TO AND MOTION TO
UNSEAL GOVERNMENT’S NOTICE TO THE COURT**

On October 25, 2021, the government filed a Sealed Notice to the Court [DOC #19](the “Notice”). However, the Notice fails to comply with this Court’s Local Rules. Local Criminal Rule (LCrR 55.3 clearly establishes that a party may only file a document under seal when any “a statute or rule requires or permits to be so filed.”¹ *See* N.D.TX. LCrR 55.3(a); N.D.TX. LR 79.3(a). If no statute or rule requires or permits a document to be filed under seal, a party may file a document under seal **only on motion and by permission of the presiding judge**. *See* N.D.TX. LCrR 55.3(b); N.D.TX. LR 79.3(b).

The government’s Notice fails to cite to any statute or rule that requires or permits the notice to be filed under seal and we are aware of none. Failing such authority, Local Criminal Rule 55.3(b) and Local Civil Rule 79.3(b) required the government to file a motion and seek the Court’s permission to file the Notice under seal. The government failed to do so here, making the government’s filing of its Notice under seal inappropriate. United Development Funding objects to this improper filing and prays that the Court reject or unseal the government’s Notice filed on October 25, 2021.

¹ Local Criminal Rule 55.3(a) and Local Civil Rule 79.3(a) defines the term “document” as “any pleading, motion, other paper, or physical item that the Federal Rules of Civil Procedure permit or require to be filed.” The government’s filing is a “document” as defined by this Court’s Local Criminal Rule and Local Civil Rule.

Dated: October 26, 2021

Respectfully submitted,

/s/ Paul E. Pelletier

Paul E. Pelletier, Esq. (*admitted pro hac vice*)

pepelletier3@gmail.com

District of Columbia Bar No. 997145

3500 Morningside Drive

Fairfax, VA 22031

Telephone: 202.617.9151

Facsimile: 703.385.6718

Stewart H. Thomas

State Bar No. 19868950

sthomas@hallettperrin.com

Elizabeth A. Fitch

State Bar No. 24075777

efitch@hallettperrin.com

Jesse F. Beck

State Bar No. 24097356

jbeck@hallettperrin.com

HALLETT & PERRIN, PC

1445 Ross Avenue, Suite 2400

Dallas, Texas 75202

Telephone: 214.953.0053

Facsimile: 214.922.4142

**ATTORNEYS FOR UNITED
DEVELOPMENT FUNDING**

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2021, I filed this document with the Clerk's Office. I further provided an electronic copy of this document on counsel, as listed below, *via* electronic mail:

United States Attorney's Office	Assistant U.S. Attorney Doug Brasher	doug.brasher@usdoj.gov
United States Attorney's Office	Assistant U.S. Attorney Steve Fahey, Criminal Chief	steve.p.fahey@usdoj.gov

/s/ Paul E. Pelletier

Paul E. Pelletier